IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

WP(C).No. 26965 of 2004(I)

PETITIONER:

K.V.DASAN, PROPREITOR, NATIONAL FUELS,
TRICHUR BYE-PASS, NADATHARA, THRISSUR.

BY ADV. SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI

RESPONDENTS:

---

1. UNION OF INDIA, REP. BY SECRETARY
TO MINISTRY OF PETROLEUM AND NATURAL GAS,
SASTHRI BHAVAN, NEW DELHI.

2. THE STATE CO-ORDINATOR OF OIL INDUSTRIES
AND DEPUTY GENERAL MANAGER, INDIAN OIL CORPORATION
KERALA STATE OFFICE, PANAMPILLY AVENUE,
PANAMPILLY NAGAR, COCHIN 36.

3. THE DISTRICT COLLECTOR, THRISSUR.

4. THE SUPERINTENDING ENGINEER,
NATIONAL HIGHWAYS, CENTRAL CIRCLE,
VYTTILA, ERNAKULAM.

5. THE ASSISTANT PROJECT DIRECTOR
(TECHINICAL) NATIONAL HIGHWAY AUTHORITY OF INDIA,
CHEMBUKKAVU, THRISSUR.

6. BHARATH PETROLEUM CORPORATION, REP.
BY ITS TERRITORY MANAGER, IRUMPANAM,
ERNAKULAM, COCHIN 682 309.

7. BOSE ABRAHAM, S/O.ABRAHAM,
MADACKAL, P.O.NADATHARA, THRISSUR DISTRICT.

R6 BY SR.ADV. SRI.N.N.SUGUNAPALAN, SC, BPC
R7 BY SR. ADV SRI.O.V.RADHAKRISHNAN
BY ADV SRI.ANTONY MUKKATH
SRI.M.RAJEEV
R1 BY ASST. SOL. GENERAL SHRI. P.PARAMESWARAN NAIR
I/BY ADV SRI.THOMAS ANTONY
R2 BY SRI.A.K.JAYASANKAR NAMBIAR
SMT.PRIYA MAHESH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P(C) 26965/04

PETITIONER'S EXTS:

EXT.P1: TRUE COPY OF PROCEEDINGS NO: R/KL/12 DT. 13.7.1987 ISSUED TO THE PETITIONER BY THE IOC

EXT.P2: A ROUGH SKETCH SHOWING THE LOCATION OF THE PETITIONER'S RETAIL OUTLET

EXT.P3: -DO- OF CIRCULAR NO: RW/NH-33023/19/99-DI-III DT. 25.9.03/17.10.03 ISSUED BY THE GOVT. OF INDIA

EXT.P4: -DO- OF THE NEWS REPORT WHICH APPEARED IN DESHABHIMANI DAILY DT. 23.8.04

EXT.P5: -DO- OF REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENTS 2 TO 5 DT. 7.9.2004

RESPONDENTS' EXTS:

EXT.R5A: -DO- OF MY LETTER NO: NHAI/M(T)/TSR/PET.OUT/2004 DT. 14.9.2004

EXT.R5B: -DO- OF THE LETTER NO: NHAI/M(T) KL/PET./OUT/2004 DT. 15.9.2004

jj /TRUE COPY/

P.S. TO JUDGE

KURIAN JOSEPH, J.

W.P(C) No.26965 of 2004

Dated this the 22nd day of November, 2007

JUDGMENT

Petitioner approached this court apprehending the sanctioning of a petroleum retail outlet to the 7th respondent. In the counter affidavit filed by the 5th respondent it is submitted that so far no NOC has been given to the 7th respondent. Therefore, this writ petition is disposed of making it clear that in the event of the 5th respondent granting any NOC for opening any petroleum retail outlet at the proposed site, the petitioner shall be afforded an opportunity for hearing.

(KURIAN JOSEPH, JUDGE)

ahg.

KURIAN JOSEPH, J.

W.P(C).No.26965 of 2004

JUDGMENT

22nd November, 2007